

GAHC010005252026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/491/2026

ASSAM GRAMIN VIKASH BANK
A BODY CORPORATE DULY CONSTITUTED UNDER THE REGIONAL
RURAL BANKS ACT 1976, HAVING ITS HEAD OFFICE AT G.S.ROAD,
CHRISTIAN BASTI, GUWAHATI- 781005 AND IS CARRYING ON THE
BUSINESS OF BANKING THROUGH DIVERSE BRANCHES AND IN
PARTICULAR A BRANCH NAMED AGVB BELTOLA BRANCH, RAJA
COMPLEX, BELTOLA TINIALI, G.S.ROAD, GUWAHATI- PIN- 781028, DIST.-
KAMRUP (M), ASSAM AND IS REPRESENTED HERE IN THIS CASE BY ITS
AUTHORISED REPRESENTATIVE

VERSUS

STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE CHIEF SECERTARY TO THE GOVT. OF ASSAM,
DISPUR, GUWAHATI-06, ASSAM

2:DISTRICT COMMISSIONER
KAMRUP (M)
OFFICE OF THE DISTRICT COMMISSIONER KAMRUP (M)
HENGRABARI
GUWAHATI- 781006

3:HOTEL TOKYO TOWER
PROP. SRI NABIN CHANDRA BORAH
H. NO. 1
NEAR SONALI PATH
BELTOLA BAZAR
GUWAHATI- 28
DIST. KAMRUP (M)
ASSAM

4:SRI NABIN CHANDRA BORAH
PROP. OF HOTEL TOKYO TOWER
H.NO.1
NEAR SONALI PATH
BELTOLA BAZAR
GUWAHATI-28
DIST. KAMRUP (M)
ASSAM

5:SMTI DIPALI BORAH (GUARANTOR)
W/O- SRI NABIN CHANDRA BORAH
H.NO.1
NEAR SONALI PATH
BELTOLA BAZAR
GUWAHATI-28
DIST. KAMRUP (M)
ASSAM

For the petitioner : Mr. H. Das, Advocate

For the respondents : Ms. S. Sarma,
Govt. Advocate, Assam for
Respondent Nos.1 and 2

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

04-02-2026

(Ashutosh Kumar, C.J.)

We have heard Mr. H. Das, learned Advocate for the petitioner/Assam Gramin Vikash Bank.

The petitioner/Assam Gramin Vikash Bank has preferred this petition seeking a direction to the respondent No.2 to assist the petitioner/Assam Gramin Vikash Bank in taking physical possession of the secured assets of the respondent Nos.3 to 5, who defaulted in repaying the loan taken from the petitioner/Assam Gramin Vikash Bank in the year 2016 and the

loan account was declared as Non-Performing Asset in the year 2018. Thereafter, the petitioner/Assam Gramin Vikash Bank initiated proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002.

It is submitted that symbolic possession of the secured assets was taken. However, physical possession of the secured assets could not be taken as the respondent No.2 has not provided the required assistance.

Ms. S. Sarma, learned Government Advocate, Assam to take instructions in the matter and inform this Court on the next date.

Let a copy of the writ petition be served upon her during the course of the day.

Re-notify on **01.04.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant